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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,200	08/18/2003	Kamal Kishore Goundar	ASMJP.138AUS	3665

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EXAMINER

Everhart, Caridad

ART UNIT	PAPER NUMBER
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2825

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/643,200	Applicant(s) GOUNDAR, KAMAL KISHORE	
	Examiner Caridad M. Everhart	Art Unit 2825	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8-18-2003</u> . | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6, and 10-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemani et al(US 6,589,888B2) in view of Lee, et al. (US 2003/0129827A1).

Nemani discloses forming a silicon carbide layer by using high and low RF frequencies (col. 4, lines 8-17). The gases are a silicon source, and carbon source, and an inert gas (col. 4, lines 66-67 and col. 5, lines 1-4). Nemani teaches that the properties of the dielectric are tunable by changing the frequencies. Nemani further teaches forming dual damascene structures (col. 9, lines 5-30), including the formation

of barrier layer (Fig. 3C and Fig. 3D). Nemani additionally teaches the metal fill may be copper(col. 8, lines 20-25).

Nemani is silent with respect to oxygen and with respect to flow rates and temperature and other settings.

Lee discloses oxygen doping of silicon carbide dielectric layers (paragraph 0014). Lee also teaches that the frequency can be mixed(paragraph 0037). Lee teaches flow rates within the recited range(paragraph 0042). The temperature is within the recited range(paragraph 0042). Lee teaches the metal fill may be copper(paragraph 0068).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Lee with the process taught by Nemani in order to obtain the desired properties of the deposited film.

With respect to the other settings, such as the power, it is within the ordinary skill in the art because these are recognized as variables of the art by one of ordinary skill in the art. In addition, it has been held that the discovering of optimum values of a variable involves only routine skill in the art(MPEP 2144.05 II.A).

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nemani et al.in view of Lee et al as applied to claim 1 above, and further in view of Yao (US 6,668,752B2).

Nemani in view of Lee is silent with respect to the varying of the carbon content of the films.

Yao discloses that the properties of the films may be varied by varying the carbon content by varying the ratio of silicon source to carbon source(col. 8, lines 55-67).

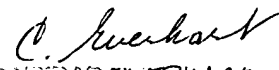
It would have been obvious to one of ordinary skill in the art at the time of the invention to have varied the flow rates of the silicon source and of the carbon source in the process taught by Nemani in view of Lee because Yao teaches that the ratio of the flow rates of the silicon source and the carbon source can also be used to vary the properties of the deposited silicon carbide film.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caridad M. Everhart whose telephone number is 571-272-1892. The examiner can normally be reached on Monday through Fridays 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Smith can be reached on 571-272-1907. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CME
3-22-04


CARIDAD EVERHART
PRIMARY EXAMINER